

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 16, 2004

Division: Growth Management

Bulk Item: Yes X No       

Department: Planning

**AGENDA ITEM WORDING:** Approval for one Restrictive Covenant from Gregory O. and Diana A. Pardo for floor area intensity reduction on a property described as a Part of Lot 12, Section 32, Township 61, Range 39 East, and further described in attached covenant, and Lot 1B of Block 3, of the Resubdivision of Tract A, Harbor Shores.

**ITEM BACKGROUND:** On March 10, 2004 the Planning Commission approved an NROGO floor area allocation award for the applicants listed below provided the applicant's Restrictive Covenant is approved by the BOCC. Gregory O. and Diana A. Pardo, a married couple, submitted the Restrictive Covenant to Monroe County. The applicant is receiving one allocation award for 2,499 square feet for the year ending July 13, 2004, have filed the document in accordance with Ordinance No. 032-2001.

**PREVIOUS RELEVANT BOARD ACTION:** On July 18, 2001, the BOCC adopted Ordinance No. 032-2001, the NROGO Ordinance. The Board of County Commissioners approved floor area allocation for NROGO Year 12 at their meeting on November 19, 2003.

**CONTRACT/AGREEMENT CHANGES:** N/A.

**STAFF RECOMMENDATION:** Approval.

**TOTAL COST:** X

**BUDGETED:** Yes N/A No       

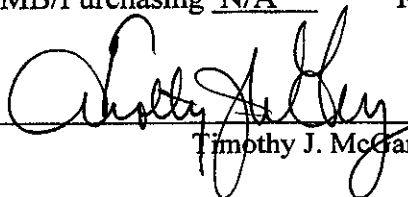
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No        **AMOUNT PER MONTH** N/A **Year**       

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**


  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X To Follow        Not Required       

**DISPOSITION:**       

**AGENDA ITEM #** K3

## M E M O R A N D U M

**TO::** Danny Kolhage, Clerk of the Court  
**FROM:** Timothy J. McGarry, Growth Management Director   
**DATE:** May 26, 2004  
**RE:** Clarification of Agenda Item

---

### **Restrictive Covenant**

<b>Permit Number</b>	<b>Name on Agenda Item</b>	<b>Name on Restrictive Covenant</b>	<b>Legal Description</b>
03303097	Gregory O. and Diana A. Pardo	Gregory O. and Diana A. Pardo	Part of Lot 12, Section 32, Township 61, Range 39 East, and further described in attached covenant, and Lot 1B of Block 3, of the Resubdivision of Tract A, Harbor Shores

This instrument prepared by:

Gregory Pardo  
P.O. Box 371042  
Key Largo, Florida 33037

BARRY L KOLHAGE  
MONROE COUNTY  
CLERK OF CIRCUIT COURT  
Aug 21, 2003 09:10am  
Receipt # 204551 Drawer CASH-DRAWER  
DIANA PARDO  
Operator: ramara  
Amount 10.50  
Instrument # 1391295 Type RESCOV  
Book # 1922 Page # 1491 Time 09:09  
Recording Fee 10.50  
Reference: PARDO  
Cash 10.50

## INTENSITY REDUCTION RESTRICTIVE COVENANT NON-RESIDENTIAL

1. **WHEREAS** Gregory Pardo and Diana Pardo the undersigned is the sole owner of the following described real property located in Monroe County, Florida, described as follows:

A part of lot 12 in Section 32, Township 61 South, Range 39 East, according to MODEL LAND COMPANY PLAT, recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida. Beginning at the Southwest corner of the said Lot 12, running East along the South boundary line of the said Lot 12 for a distance of 12.4 feet to a point of the Northwestern boundary line of Old State Road 4A; thence with a deflected angle to the left of 45 degrees 23 feet run Northeasterly along the Northwestern boundary line of Old State Road 4A for a distance of 155.90 feet to a point; thence at right angles and Northwesternly for a distance of 125.00 feet to a point on the Southwesterly boundary line of U.S. Highway 1; thence at right angles and Southwesterly along the Southeasterly boundary line of U.S. Highway No. 1 for a distance of 50.0 feet to a point on the West Boundary line of the said Lot 12; thence with a deflected angle to the left of 45 degrees 23 feet, run South along the West boundary line of said Lot 12 for a distance of 163.5 feet back to the Point of Beginning.

AND

Lot 1B of Block 3, of the Resubdivision of Tract (A), HARBOR SHORES, according to the Plat thereof, recorded in Plat Book 3, Page 44, of the Public Records of Monroe County, Florida, plat of said resubdivision recorded in Plat Book 3, Page 56, of the Public Records of Monroe County, Florida.

Real Estate Number(s): 00522220-000000

2. **WHEREAS**, an application for building permit # 03303097 for the construction of a commercial building on the above described parcel has been submitted to the Monroe County Building Department; and
3. **WHEREAS**, Suburban Commercial (SC) Land Use District allows the construction of office space/storage; and
4. **NOW, THEREFORE**, the undersigned agree as follows:
- The above described non-residential structure is permitted as a commercial building, and upon completion of the structure and final approved inspections will receive a Certificate of Occupancy for a commercial office building; and
  - The floor area ratio of the property will be limited to a maximum of twenty-three percent (23%) for a period of ten (10) years; and

- c. That the proposed structures have a Floor Area Ratio of 19.0 percent. The proposed commercial structure is 2499 square feet and a future employee housing structure of 2,500 square feet of ground floor area on the 26,203 square foot sized parcel. The floor area ratio shall not exceed 23 percent, which would be 6,026 square feet; and
- d. The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that his restriction shall run with the land and shall be forever binding upon the successors in title; and
- e. This covenant is intended to benefit and runs in favor of the County of Monroe; and

In the event of any breach or violation of the covenant herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 20<sup>th</sup> day of August, 2003

WITNESSES

[Signature]  
(Signature)

Maday Benitez  
(Print/Type Name)

[Signature]  
(Signature)

Maday Benitez  
(Print/Type Name)

OWNER OR OWNERS

[Signature]  
(Signature)

Gregory Pardo  
(Print/Type Name)

[Signature]  
(Signature)

Dana Pardo  
(Print/Type Name)

Sworn before me this 20<sup>th</sup> day of August, 2003, A.D.

[Signature]  
Notary Public (Print Name)



Pamela Piton  
Commission # DD 010710  
Expires April 27, 2005  
Bonded thru  
Atlantic Bonding Co., Inc.

My Commission Expires \_\_\_\_\_

This instrument prepared by:

Gregory Pardo  
P.O. Box 371042  
Key Largo, Florida 33037

## INTENSITY REDUCTION RESTRICTIVE COVENANT NON-RESIDENTIAL

1. **WHEREAS** Gregory Pardo and Diana Pardo the undersigned is the sole owner of the following described real property located in Monroe County, Florida, described as follows:

A part of lot 12 in Section 32, Township 61 South, Range 39 East, according to MODEL LAND COMPANY PLAT, recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida. Beginning at the Southwest corner of the said Lot 12, running East along the South boundary line of the said Lot 12 for a distance of 12.4 feet to a point of the Northwestern boundary line of Old State Road 4A; thence with a deflected angle to the left of 45 degrees 23 feet run Northeasterly along the Northwestern boundary line of Old State Road 4A for a distance of 155.90 feet to a point; thence at right angles and Northwesternly for a distance of 125.00 feet to a point on the Southwestern boundary line of U.S. Highway No. 1; thence at right angles and Southwesternly along the Southeastern boundary line of U.S. Highway No. 1 for a distance of 50.0 feet to a point on the West Boundary line of the said Lot 12; thence with a deflected angle to the left of 45 degrees 23 feet, run South along the West boundary line of said Lot 12 for a distance of 163.5 feet back to the Point of Beginning.

AND

Lot 1B of Block 3, of the Resubdivision of Tract (A), HARBOR SHORES, according to the Plat thereof, recorded in Plat Book 3, Page 44, of the Public Records of Monroe County, Florida, plat of said resubdivision recorded in Plat Book 3, Page 56, of the Public Records of Monroe County, Florida.

Real Estate Number(s): 00522220-000000

2. **WHEREAS**, an application for building permit # 03-3-3097 for the construction of a commercial building on the above described parcel has been submitted to the Monroe County Building Department; and
3. **WHEREAS**, Suburban Commercial (SC) Land Use District allows the construction of office space/storage; and
4. **NOW, THEREFORE**, the undersigned agree as follows:
  - a. The above described non-residential structure is permitted as a commercial building, and upon completion of the structure and final approved inspections will receive a Certificate of Occupancy for a commercial office building; and
  - b. The floor area ratio of the property will be limited to a maximum of twenty-three percent (23%) for a period of ten (10) years; and

c. That the proposed structures have a Floor Area Ratio of 19.0 percent. The proposed commercial structure is 2499 square feet and a future employee housing structure of 2,500 square feet of ground floor area on the 26,203 square foot sized parcel. The floor area ratio shall not exceed 23 percent, which would be 6,026 square feet; and

d. The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that his restriction shall run with the land and shall be forever binding upon the successors in title; and

e. This covenant is intended to benefit and runs in favor of the County of Monroe; and

In the event of any breach or violation of the covenant herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS \_\_\_\_ day of \_\_\_\_\_, 200\_\_

WITNESSES

OWNER OR OWNERS

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print/Type Name)

\_\_\_\_\_  
(Print/Type Name)

\_\_\_\_\_  
(Signature)

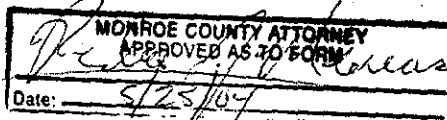
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print/Type Name)

\_\_\_\_\_  
(Print/Type Name)

Sworn before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, A.D.

\_\_\_\_\_  
Notary Public (Print Name)



\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_